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300556Z Jun 05

ACTION AF-00

INFO	LOG-00	NP-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
DS-00	EB-00	UTED-00	VC-00	H-00	TEDE-00	INR-00	
IO-00	LAB-01	L-00	VCE-00	NSAE-00	OIC-00	NIMA-00	
PA-00	PER-00	GIWI-00	PRS-00	P-00	SP-00	SSO-00	
SS-00	STR-00	TRSE-00	FMP-00	DSCC-00	PRM-00	DRL-00	
G-00	NFAT-00	SAS-00	SWCI-00	/001W			

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FM AMEMBASSY GABORONE
TO SECSTATE WASHDC 2220
INFO SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
HQ USEUCOM VAIHINGEN GE
WHITE HOUSE NSC WASHINGTON DC

UNCLAS GABORONE 000913

SIPDIS

SENSITIVE

AF/S FOR MALONEY

E.O. 12958: N/A
TAGS: [PHUM](#) [PGOV](#) [PREL](#) [BC](#) [SAN](#) [CKGR](#)
SUBJECT: CKGR COURT CASE ADJOURNS, PROBLEMS FOR SAN
CONTINUE

REF (A) GABORONE 666 REF (B) GABORONE 738

11. (SBU) Summary: On June 16, hearings in the case of the First People of the Kalahari against the Government of Botswana adjourned until August 3. As the legal process drags on, residents of the relocation settlements continue to face grim circumstances. Hearings by a mission of the African Commission on Indigenous People and Human Rights turned up fresh allegations of torture by government officials. Sensitive to the increasing international attention to this issue, civil servants in the settlements are reluctant to speak to outsiders. Some San groups are working on long-term strategies to eliminate poverty and marginalization of the San through education and advocacy. Mission will investigate and report on allegations of torture and explore opportunities to support efforts to protect the rights and improve the situation of the San in Botswana. End Summary.

COURT CASE DRAGS ON

12. (U) On June 16, hearings in the court case in which First People of the Kalahari has challenged the constitutionality of the GOB's policy to relocate former residents of the Central Kalahari Game Reserve (CKGR) were adjourned until August 3. Earlier that week, lead state counsel Sidney Pilane persuaded the judges that a trip to Gope, located inside the CKGR, was necessary to demonstrate that no preparations were underway to begin diamond mining there. Gordon Bennet, attorney for FPK, argued to no avail that no one had suggested that such work had begun. This site visit will further prolong the litigation, which is the apparent strategy the GOB employs to exhaust the resources of FPK (Ref A). When hearings resume on August 3, the court will continue to hear evidence from state witnesses.

NEW ALLEGATIONS OF TORTURE

13. (U) A delegation from the African Commission on Indigenous Peoples and Human Rights has been in Botswana the past week investigating allegations of human rights violations against the San. While meeting with the residents of the relocation settlement Kaudwane on June 18, the group heard fresh allegations of torture at the hands of government officials. Jumanda Gakalebone of First People of the Kalahari told PolOff on June 21 that four residents of Kaudwane had been tortured by scouts of the Department of Wildlife and National Parks who suspected them of poaching. Program Administrator of the Basarwa Research Project at the University of Botswana Mr. Molefe, who coordinated the delegation's trip to Kaudwane, confirmed this report. When the victims attempted to register a complaint with the local police, the officers refused to do so saying that the matter was too big for them and telling them to travel to Letlhakane, two hours away by car, to file a report. Neither Gakalebone nor Molefe could provide names or dates but both said victims had been severely injured and some were urinating blood as a result. Mission will further investigate these allegations and report results septel.

SITUATION GRIM IN SETTLEMENTS

14. (U) Meanwhile, the residents of New Xade, to which many former CKGR residents were relocated in 2002 after the GOB terminated the provision of services within the Reserve, continue to face grim circumstances. The Government has provided a large clinic and a primary school and, through its contributions to a local NGO, is funding the construction of some houses and pit latrines. Employment opportunities, however, are virtually nil, meaning that most depend on destitute rations, which include a food allowance and P61 (approximately USD 12) each month. As two New Xade residents observed to PolOff on June 21, this income primarily goes to the numerous bars in this village of 2,000 or to clothing vendors who truck in garments from Ghanzi township and sell them at a mark up of as much as 600 percent.

POOR POLICYMAKING AT DISTRICT LEVEL

15. (SBU) The Ghanzi District Council, the local government body with jurisdiction over Ghanzi township, New Xade, and several other settlements in western

Botswana where San are most numerous, appears to be obstructing development in remote areas as much as facilitating it. According to Ditshwanelo Makwati, Executive Director of the local development NGO Permaculture Trust and member of the Ghanzi District Development Committee, the Committee recently vetoed two proposed projects that would have created employment in some remote areas. Committee members rejected the initiatives, Makwati reported, because they feared that the projects might reduce the number of tourists travelling to Ghanzi township. Yet District Officer for Administration Mr. Mochanang told PolOff on June 22 that the local authorities are struggling to deal with the influx of squatters from remote areas to Ghanzi township, which is exacerbated by the policy of reserving development funds exclusively for Ghanzi township.

16. (U) The decision on where to locate some remote area settlements was equally frustrating to some San and those who work with them. Roughly ten years ago, the GOB decided to encourage residents of D'kar and Kuke villages, which are located on farms in Ghanzi District, to move to a settlement it created called Qabo. Whereas D'Kar and Kuke were both located adjacent to a major highway and only about 30 minutes by car from Ghanzi township, Qabo was 80 kilometers west of this highway into the bush. Although the road connecting Qabo to the highway was improved earlier this year, transportation remains a problem since very few vehicles travel to Qabo. Almost no residents of the settlement own a vehicle so most hitch a ride in the car belonging to the government clinic when it goes to Ghanzi, usually once a day. When residents first arrived in Qabo, they lost much of their livestock before discovering that a poisonous plant grows in abundance in that area. Since then the GOB fenced in a field to prevent livestock provided to some residents by the Government from eating the plants and dying.

CIVIL SERVANTS TIGHT LIPPED

17. (SBU) While visiting Qabo and New Xade on June 21, PolOff encountered considerable reluctance among some civil servants to talk to outsiders without a letter from the local or central government granting permission to do so. They could "get in trouble" for talking to someone without prior clearance, they said. On a trip to the same area in December 2004, PolOff was not informed that such requirement for a letter existed. (Comment: The Ambassador did obtain the concurrence of the Office of the President for previous visits to the area. End Comment). The Executive Director of the Working Group for Indigenous Minorities in Southern Africa (WIMSA) Botswana Mr. Matambo told PolOff on June 22 that in response to recent press attention to the circumstances facing the San, the local authorities had developed a procedure to control the flow of information out of the settlements. This mechanism required a visitor to obtain permission from the local government before asking questions.

18. (SBU) When queried by PolOff, Ghanzi District Officer for Administration Mr. Mochanang denied that any regulation of this type had been established. He conceded, however, that apprehension over the publicity surrounding the San relocation issue likely accounted for their reticence. The fact that four individuals in two villages some three hours distant by car gave PolOff the same report indicated that the local authorities had issued some type of instruction, formal or informal, warning government employees against sharing information

with outsiders.

DELEGATION INVESTIGATES ALLEGED HUMAN RIGHTS VIOLATIONS

¶19. (SBU) This reluctance to divulge information nearly upset the work of the delegation from the African Commission on Indigenous Peoples and Human Rights. After visiting the relocation settlement of Kaudwane on June 19, the three-person team tried to consult with residents of New Xade on June 21. Despite letters from the Office of the President and WIMSA informing him of this program, the chief in New Xade was not present in the settlement on June 21. In his absence and without any relevant instructions from him, local officials refused to let the African Commission group hold a town meeting to consult with residents in the absence of Government employees. After contacting the Office of the President, the

delegation returned to New Xade on June 22. This episode reinforced the perception that some local officials, including traditional leaders, were attempting to restrict the flow of information out of the settlements.

WAYS FORWARD: EDUCATION AND ADVOCACY

¶10. (SBU) Kuru Development Trust, a development NGO working with San, and WIMSA are exploring possibilities for addressing the underlying causes of the poverty and marginalization of the San. Hendrick Jerling and Bram Leroux of Kuru Development Trust told PolOff on June 20 about their organization's negotiations with De Beers over the creation of a mother-tongue school for San kids. De Beers provided money for a feasibility study, they said, which is underway. The corporation has not yet committed to a particular amount or duration of funding for the project. Jerling told PolOff that a handful of successful San professionals have agreed to sit on the board of the planned school. He hoped that these individuals would act as role models to inspire San children and their parents to appreciate the value of education.

¶11. (U) Kuru and WIMSA are also working with members of the San community to promote the idea of a national San council. The various San communities would delegate representatives to this council, which would then act as a national platform for articulating the views and concerns of the San. According to Matambo, participants in this process hope to meet in July to draft a constitution for the council. If internal differences among the various San communities do not stymie this effort, the Council could be a meaningful vehicle for advocating appropriate policies toward the San.

COMMENT

¶12. (U) President Mogae's June 10 comments to a press conference linked the deportation of Professor Ken Good to his role in the campaign against the GOB's CKGR relocation policy (Ref B) and his ties with the London-based NGO, Survival International. As the situation of Botswana's San incrementally attracts more international attention, the GOB's inclination seems to be to control more tightly the flow of relevant information. This strategy is likely to compound the problem, as it will further fuel suspicions regarding its policy and treatment of the San.

¶13. (U) Mission will continue to encourage the Government to ensure that the human rights of the San are guaranteed and to work with the San communities to resolve their differences and jointly chart a mutually acceptable path toward development. In addition, Mission is looking at possibilities to support activities such as the planned San Council through the Democracy and Human Rights Fund.

HUGGINS

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